

CIVIL COVER SHEET

The JS44 Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974 is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I(a) PLAINTIFFS

Edgewood Properties, Inc.

DEFENDANTS

Golder Associates, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: Middlesex County, NJ
EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Georgia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRST NAME, ADDRESS, AND TELEPHONE NUMBER)

David W. Fassett, Esq.
Arseneault, Whipple, Farmer, Fassett & Azzarello, LLP
560 Main Street
Chatham, NJ 07928
Tel: 973-635-3366

ATTORNEYS (IF KNOWN)

John P. Lacey, Esq.
Connell Foley LLP
85 Livingston Avenue
Roseland, NJ 07068
Tel: (973) 635-0500

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)**

| CONTRACT | TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|--|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Mediate Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage - Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitution of State Statutes <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 730 Labor/Management Reporting & Disclosure Act <input type="checkbox"/> 740 Family Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609 | |

VI. ORIGIN

(PLACE AN x IN ONE BOX ONLY)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Division ☐ 4. Reinstated or Reopened ☐ 5. Transferred from another district (specify) ☐ 6. Multidistrict Litigation ☐ 7. Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND ☐ YES ☐ NO

VIII. RELATED CASE(S) (See instructions) IF ANY:

JUDGE:

DOCKET NUMBER:

DATE

SIGNATURE OF ATTORNEY OF RECORD:

April 21, 2008

John P. Lacey, Esq. (\$475)

UNITED STATES DISTRICT COURT

CONNELL FOLEY LLP (JPL 5475)
85 Livingston Avenue
Roseland, New Jersey 07068
(973) 535-0500
Attorneys for Defendant
Golder Associates, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EDGEWOOD PROPERTIES, INC.,

Plaintiff,

v.

J&L MANAGEMENT CORPORATION,
GOLDER ASSOCIATES, INC., and
ARCADIS U.S., INC.,

Defendants.

CIVIL ACTION NO. 08-774 (HAA) (ES)

Electronically Filed

**ANSWER, AFFIRMATIVE DEFENSES,
DESIGNATION OF TRIAL COUNSEL,
CERTIFICATION PURSUANT TO
L.CIV.R. 11.2**

Defendant, Golder Associates, Inc. ("Golder"), through its attorneys Connell Foley LLP, answers the Complaint as follows:

THE PARTIES

1. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint.

2. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.

3. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.

4. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint.

5. Defendant Golder admits the allegations contained in Paragraph 5 of the Complaint.

6. Defendant Golder denies the allegations contained in Paragraph 6 of the Complaint.

7. Defendant Golder denies the allegations contained in Paragraph 7 of the Complaint.

8. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.

9. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

JURISDICTION AND VENUE

11. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

FACTUAL ALLEGATIONS

14. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of the Complaint.

16. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Defendant Golder denies the allegations contained in Paragraph 17 of the Complaint.

18. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint.

19. Defendant Golder makes no response to the allegations contained in Paragraph 19 of the Complaint as said allegations are not directed against it.

20. Defendant Golder makes no response to the allegations contained in Paragraph 20 of the Complaint as said allegations are not directed against it.

21. Defendant Golder makes no response to the allegations contained in Paragraph 21 of the Complaint as said allegations are not directed against it.

22. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Defendant Golder admits the allegations contained in Paragraph 23 of the Complaint.

24. Defendant Golder denies the allegations contained in Paragraph 24 of the Complaint.

25. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Defendant Golder makes no response to the allegations contained in Paragraph 26 of the Complaint as said allegations are not directed against it.

27. Defendant Golder makes no response to the allegations contained in Paragraph 27 of the Complaint as said allegations are not directed against it.

28. Defendant Golder makes no response to the allegations contained in Paragraph 28 of the Complaint as said allegations call for a legal conclusion.

29. Defendant Golder makes no response to the allegations contained in Paragraph 29 of the Complaint as said allegations call for a legal conclusion.

30. Defendant Golder is without knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint, except that Golder does have certain experience and knowledge regarding the handling, testing and disposal of PCB-contaminated materials. New Jersey law is unclear concerning the treatment of concrete.

31. Defendant Golder denies the allegations contained in Paragraph 31 of the Complaint.

32. Defendant Golder makes no response to the allegations contained in Paragraph 32 of the Complaint as said allegations are not directed against it.

33. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. Defendant Golder denies the allegations contained in Paragraph 34 of the Complaint.

35. Defendant Golder denies the allegations contained in Paragraph 35 of the Complaint.

36. Defendant Golder denies the allegations contained in Paragraph 36 of the Complaint insofar as said allegations are directed against it.

37. Defendant Golder denies the allegations contained in Paragraph 37 of the Complaint insofar as said allegations are directed against it.

38. Defendant Golder denies the allegations contained in Paragraph 38 of the Complaint insofar as said allegations are directed against it.

39. Defendant Golder denies the allegations contained in Paragraph 39 of the Complaint.

40. Defendant Golder denies the allegations contained in Paragraph 40 of the Complaint insofar as said allegations are directed against it.

41. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint.

43. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. Defendant Golder denies the allegations contained in Paragraph 45 of the Complaint.

46. Defendant Golder denies the allegations contained in Paragraph 46 of the Complaint.

47. Defendant Golder denies the allegations contained in Paragraph 47 of the Complaint insofar as said allegations are directed against it.

48. Defendant Golder denies the allegations contained in Paragraph 48 of the Complaint insofar as said allegations are directed against it.

49. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. Defendant Golder denies the allegations contained in Paragraph 52 of the Complaint.

53. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Defendant Golder denies the allegations contained in Paragraph 55 of the Complaint insofar as said allegations are directed against it.

56. Defendant Golder denies the allegations contained in Paragraph 56 of the Complaint insofar as said allegations are directed against it.

57. Defendant Golder denies the allegations contained in Paragraph 57 of the Complaint insofar as said allegations are directed against it.

58. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint.

60. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint.

61. Defendant Golder denies the allegations contained in Paragraph 61 of the Complaint.

62. Defendant Golder denies the allegations contained in Paragraph 62 of the Complaint.

63. Defendant Golder denies the allegations contained in Paragraph 63 of the Complaint.

64. Defendant Golder denies the allegations contained in Paragraph 64 of the Complaint insofar as said allegations are directed against it.

65. Defendant Golder denies the allegations contained in Paragraph 65 of the Complaint insofar as said allegations are directed against it.

66. Defendant Golder denies the allegations contained in Paragraph 66 of the Complaint insofar as said allegations are directed against it.

67. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint.

68. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint.

69. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint.

70. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint.

71. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint.

72. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint.

73. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint.

74. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of the Complaint.

75. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the Complaint.

76. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint.

77. Defendant Golder makes no response to the allegations contained in Paragraph 77 of the Complaint as said allegations are not directed against it, except that it denies that it assisted and/or supervised any others' activities at the Edison site.

78. Defendant Golder makes no response to the allegations contained in Paragraph 78 of the Complaint as said allegations are not directed against it.

79. Defendant Golder makes no response to the allegations contained in Paragraph 79 of the Complaint as said allegations are not directed against it.

80. Defendant Golder makes no response to the allegations contained in Paragraph 80 of the Complaint as said allegations are not directed against it, except that it denies that it assisted and/or supervised any others' activities at the Edison site.

81. Defendant Golder makes no response to the allegations contained in Paragraph 81 of the Complaint to the extent said allegations are not directed against it, and denies the remaining allegations contained in Paragraph 81 of the Complaint.

82. Defendant Golder denies the allegations contained in Paragraph 82 of the Complaint.

83. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of the Complaint.

84. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint.

85. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of the Complaint.

86. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 of the Complaint.

87. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 of the Complaint.

88. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 of the Complaint.

89. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 of the Complaint.

90. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90 of the Complaint.

91. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of the Complaint.

92. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the Complaint.

93. Defendant Golder denies the allegations contained in Paragraph 93 of the Complaint insofar as said allegations are directed against it.

94. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Complaint.

95. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of the Complaint.

96. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of the Complaint.

97. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of the Complaint.

COUNT I

NEW JERSEY SPILL ACT

98. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraph 98 of the Complaint as if the same were set forth at length herein.

99. Defendant Golder admits the allegations contained in Paragraph 99 of the Complaint.

100. Defendant Golder admits the allegations contained in Paragraph 100 of the Complaint.

101. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the Complaint.

102. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of the Complaint.

103. Defendant Golder denies the allegations contained in Paragraph 103 of the Complaint insofar as said allegations are directed against it.

104. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the Complaint.

105. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of the Complaint.

106. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of the Complaint.

107. Defendant Golder denies the allegations contained in Paragraph 107 of the Complaint insofar as said allegations are directed against it.

108. Defendant Golder denies the allegations contained in Paragraph 108 of the Complaint insofar as said allegations are directed against it.

109. Defendant Golder denies the allegations contained in Paragraph 109 of the Complaint insofar as said allegations are directed against it.

COUNT II

CERCLA COST RECOVERY

110. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraphs 1 through 109 of the Complaint as if the same were set forth at length herein.

111. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 of the Complaint.

112. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the Complaint.

113. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint.

114. Defendant Golder denies the allegations contained in Paragraph 114 of the Complaint insofar as said allegations are directed against it.

115. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 of the Complaint.

116. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116 of the Complaint.

117. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 117 of the Complaint.

118. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 of the Complaint.

119. Defendant Golder denies the allegations contained in Paragraph 119 of the Complaint insofar as said allegations are directed against it.

120. Defendant Golder denies the allegations contained in Paragraph 120 of the Complaint.

COUNT III

COMMON LAW STRICT LIABILITY

121. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraphs 1 through 120 of the Complaint as if the same were set forth at length herein.

122. Defendant Golder denies the allegations contained in Paragraph 122 of the Complaint insofar as said allegations are directed against it.

123. Defendant Golder denies the allegations contained in Paragraph 123 of the Complaint.

124. Defendant Golder denies the allegations contained in Paragraph 124 of the Complaint.

125. Defendant Golder denies the allegations contained in Paragraph 125 of the Complaint.

COUNT IV

NEGLIGENT MISREPRESENTATION

126. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraphs 1 through 125 of the Complaint as if the same were set forth at length herein.

127. Defendant Golder denies the allegations contained in Paragraph 127 of the Complaint insofar as said allegations are directed against it.

128. Defendant Golder denies the allegations contained in Paragraph 128 of the Complaint insofar as said allegations are directed against it.

129. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 of the Complaint.

130. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 of the Complaint.

131. Defendant Golder denies the allegations contained in Paragraph 131 of the Complaint insofar as said allegations are directed against it.

132. Defendant Golder denies the allegations contained in Paragraph 132 of the Complaint insofar as said allegations are directed against it.

133. Defendant Golder denies the allegations contained in Paragraph 133 of the Complaint insofar as said allegations are directed against it.

134. Defendant Golder denies the allegations contained in Paragraph 134 of the Complaint insofar as said allegations are directed against it.

135. Defendant Golder denies the allegations contained in Paragraph 135 of the Complaint insofar as said allegations are directed against it.

136. Defendant Golder denies the allegations contained in Paragraph 136 of the Complaint insofar as said allegations are directed against it.

137. Defendant Golder denies the allegations contained in Paragraph 137 of the Complaint insofar as said allegations are directed against it.

138. Defendant Golder denies the allegations contained in Paragraph 138 of the Complaint insofar as said allegations are directed against it.

COUNT V

NEGLIGENCE

139. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraphs 1 through 138 of the Complaint as if the same were set forth at length therein.

140. Defendant Golder denies the allegations contained in Paragraph 140 of the Complaint insofar as said allegations are directed against it.

141. Defendant Golder denies the allegations contained in Paragraph 141 of the Complaint insofar as said allegations are directed against it.

142. Defendant Golder denies the allegations contained in Paragraph 142 of the Complaint insofar as said allegations are directed against it.

COUNT VI

CIVIL CONSPIRACY

143. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraphs 1 through 142 of the Complaint as if the same were set forth at length herein.

144. Defendant Golder denies the allegations contained in Paragraph 144 of the Complaint insofar as said allegations are directed against it.

145. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of the Complaint.

146. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of the Complaint.

147. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 of the Complaint.

148. Defendant Golder denies the allegations contained in Paragraph 148 of the Complaint insofar as said allegations are directed against it.

149. Defendant Golder denies the allegations contained in Paragraph 149 of the Complaint insofar as said allegations are directed against it.

150. Defendant Golder denies the allegations contained in Paragraph 150 of the Complaint insofar as said allegations are directed against it.

151. Defendant Golder denies the allegations contained in Paragraph 151 of the Complaint insofar as said allegations are directed against it.

152. Defendant Golder denies the allegations contained in Paragraph 152 of the Complaint insofar as said allegations are directed against it.

153. Defendant Golder denies the allegations contained in Paragraph 153 of the Complaint insofar as said allegations are directed against it.

154. Defendant Golder denies the allegations contained in Paragraph 154 of the Complaint insofar as said allegations are directed against it.

155. Defendant Golder denies the allegations contained in Paragraph 155 of the Complaint insofar as said allegations are directed against it.

156. Defendant Golder denies the allegations contained in Paragraph 156 of the Complaint insofar as said allegations are directed against it.

157. Defendant Golder denies the allegations contained in Paragraph 157 of the Complaint insofar as said allegations are directed against it.

158. Defendant Golder denies the allegations contained in Paragraph 158 of the Complaint insofar as said allegations are directed against it.

159. Defendant Golder denies the allegations contained in Paragraph 159 of the Complaint insofar as said allegations are directed against it.

160. Defendant Golder denies the allegations contained in Paragraph 160 of the Complaint insofar as said allegations are directed against it.

161. Defendant Golder denies the allegations contained in Paragraph 161 of the Complaint insofar as said allegations are directed against it.

162. Defendant Golder denies the allegations contained in Paragraph 162 of the Complaint insofar as said allegations are directed against it.

163. Defendant Golder denies the allegations contained in Paragraph 163 of the Complaint insofar as said allegations are directed against it.

164. Defendant Golder denies the allegations contained in Paragraph 164 of the Complaint insofar as said allegations are directed against it.

165. Defendant Golder denies the allegations contained in Paragraph 165 of the Complaint insofar as said allegations are directed against it.

166. Defendant Golder denies the allegations contained in Paragraph 166 of the Complaint insofar as said allegations are directed against it.

167. Defendant Golder denies the allegations contained in Paragraph 167 of the Complaint insofar as said allegations are directed against it.

168. Defendant Golder denies the allegations contained in Paragraph 167 of the Complaint insofar as said allegations are directed against it.

169. Defendant Golder denies the allegations contained in Paragraph 168 of the Complaint insofar as said allegations are directed against it.

170. Defendant Golder denies the allegations contained in Paragraph 169 of the Complaint insofar as said allegations are directed against it.

COUNT VII

NEW JERSEY RICO STATUTE

171. Defendant Golder repeats and realleges its responses to the allegations contained in Paragraphs 1 through 170 of the Complaint as it the same were set forth at length herein.

172. Defendant Golder denies the allegations contained in Paragraph 172 of the Complaint insofar as said allegations are directed against it.

A. THE ENTERPRISE.

173. Defendant Golder denies the allegations contained in Paragraph 173 of the Complaint insofar as said allegations are directed against it.

174. Defendant Golder denies the allegations contained in Paragraph 174 of the Complaint insofar as said allegations are directed against it.

175. Defendant Golder denies the allegations contained in Paragraph 175 of the Complaint insofar as said allegations are directed against it.

176. Defendant Golder denies the allegations contained in Paragraph 176 of the Complaint insofar as said allegations are directed against it.

177. Defendant Golder denies the allegations contained in Paragraph 177 of the Complaint insofar as said allegations are directed against it.

178. Defendant Golder denies the allegations contained in Paragraph 178 of the Complaint insofar as said allegations are directed against it.

179. Defendant Golder denies the allegations contained in Paragraph 179 of the Complaint insofar as said allegations are directed against it.

180. Defendant Golder denies the allegations contained in Paragraph 180 of the Complaint insofar as said allegations are directed against it.

181. Defendant Golder makes no response to the allegations contained in Paragraph 181 of the Complaint as said allegations are not directed against it.

182. Defendant Golder makes no response to the allegations contained in Paragraph 182 of the Complaint as said allegations are not directed against it.

183. Defendant Golder makes no response to the allegations contained in Paragraph 183 of the Complaint as said allegations are not directed against it.

184. Defendant Golder denies the allegations contained in Paragraph 184 of the Complaint insofar as said allegations are directed against it.

185. Defendant Golder makes no response to the allegations contained in Paragraph 185 of the Complaint as said allegations are not directed against it.

186. Defendant Golder denies the allegations contained in Paragraph 186 of the Complaint insofar as said allegations are directed against it.

187. Defendant Golder denies the allegations contained in Paragraph 187 of the Complaint insofar as said allegations are directed against it.

188. Defendant Golder denies the allegations contained in Paragraph 188 of the Complaint insofar as said allegations are directed against it.

B. THE PURPOSE OF THE ENTERPRISE.

189. Defendant Golder denies the allegations contained in Paragraph 189 of the Complaint insofar as said allegations are directed against it.

190. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 190 of the Complaint.

191. Defendant Golder makes no response to the allegations contained in Paragraph 191 of the Complaint as said allegations are not directed against it.

192. Defendant Golder makes no response to the allegations contained in Paragraph 192 of the Complaint as said allegations are not directed against it.

193. Defendant Golder denies the allegations contained in Paragraph 193 of the Complaint insofar as said allegations are directed against it.

194. Defendant Golder denies the allegations contained in Paragraph 194 of the Complaint insofar as said allegations are directed against it.

C. THE PATTERN OF RACKETEERING ACTIVITY.

195. Defendant Golder denies the allegations contained in Paragraph 195 of the Complaint insofar as said allegations are directed against it.

196. Defendant Golder denies the allegations contained in Paragraph 196 of the Complaint.

197. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 197 of the Complaint.

198. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 198 of the Complaint.

199. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 199 of the Complaint.

200. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 200 of the Complaint.

201. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 201 of the Complaint.

202. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 202 of the Complaint.

203. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 203 of the Complaint.

204. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 204 of the Complaint.

205. Defendant Golder denies the allegations contained in Paragraph 205 of the Complaint insofar as said allegations are directed against it.

206. Defendant Golder denies the allegations contained in Paragraph 206 of the Complaint insofar as said allegations are directed against it.

207. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 207 of the Complaint.

208. Defendant Golder makes no response to the allegations contained in Paragraph 208 of the Complaint as said allegations are not directed against it.

209. Defendant Golder denies the allegations contained in Paragraph 209 of the Complaint.

210. Defendant Golder denies the allegations contained in Paragraph 210 of the Complaint insofar as said allegations are directed against it.

211. Defendant Golder denies the allegations contained in Paragraph 211 of the Complaint insofar as said allegations are directed against it.

D. THE INTENTIONAL NATURE OF THE PATTERN OF RACKETEERING ACTIVITY.

212. Defendant Golder denies the allegations contained in Paragraph 212 of the Complaint insofar as said allegations are directed against it.

213. Defendant Golder denies the allegations contained in Paragraph 213 of the Complaint insofar as said allegations are directed against it.

E. THE CONDUCT OF THE ENTERPRISE IS PROHIBITED "RACKETEERING ACTIVITY".

214. Defendant Golder denies the allegations contained in Paragraph 214 of the Complaint insofar as said allegations are directed against it.

**a. THE PATTERN OF RACKETEERING ACTIVITY VIOLATED
N.J.S.A. 2C:21-16.**

215. Defendant Golder makes no response to the allegations contained in Paragraph 218 of the Complaint as said allegations call for a legal conclusion.

216. Defendant Golder denies the allegations contained in Paragraph 216 of the Complaint insofar as said allegations are directed it.

**b. THE PATTERN OF RACKETEERING ACTIVITY VIOLATED
2C:21-7(A)(d)**

217. Defendant Golder makes no response to the allegations contained in Paragraph 217 of the Complaint as said allegations call for a legal conclusion.

218. Defendant Golder makes no response to the allegations contained in Paragraph 218 of the Complaint as said allegations call for a legal conclusion.

219. Defendant Golder denies the allegations contained in Paragraph 219 of the Complaint insofar as said allegations are directed against it.

220. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 220 of the Complaint.

221. Defendant Golder denies the allegations contained in Paragraph 221 of the Complaint insofar as said allegations are directed against it.

222. Defendant Golder is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 222 of the Complaint.

**c. THE PATTERN OF RACKETEERING ACTIVITY VIOLATED
18 U.S.C. §§ 1341 AND 1343.**

223. Defendant Golder makes no response to the allegations contained in Paragraph 223 of the Complaint as said allegations call for a legal conclusion.

224. Defendant Golder makes no response to the allegations contained in Paragraph 224 of the Complaint as said allegations call for a legal conclusion.

225. Defendant Golder denies the allegations contained in Paragraph 225 of the Complaint insofar as said allegations are directed against it.

226. Defendant Golder denies the allegations contained in Paragraph 226 of the Complaint insofar as said allegations are directed against it.

227. Defendant Golder denies the allegations contained in Paragraph 227 of the Complaint insofar as said allegations are directed against it.

228. Defendant Golder denies the allegations contained in Paragraph 228 of the Complaint insofar as said allegations are directed against it.

229. Defendant Golder denies the allegations contained in Paragraph 229 of the Complaint insofar as said allegations are directed against it.

230. Defendant Golder denies the allegations contained in Paragraph 230 of the Complaint insofar as said allegations are directed against it.

F. THE PATTERN OF RACKETEERING ACTIVITY PROXIMATELY RESULTED IN HARM TO EDGEWOOD.

231. Defendant Golder makes no response to the allegations contained in Paragraph 231 of the Complaint as said allegations call for a legal conclusion.

232. Defendant Golder denies the allegations contained in Paragraph 232 of the Complaint insofar as said allegations are directed against it.

233. Defendant Golder denies the allegations contained in Paragraph 233 of the Complaint insofar as said allegations are directed against it.

234. Defendant Golder denies the allegations contained in Paragraph 234 of the Complaint insofar as said allegations are directed against it.

235. Defendant Golder denies the allegations contained in Paragraph 235 of the Complaint insofar as said allegations are directed against it.

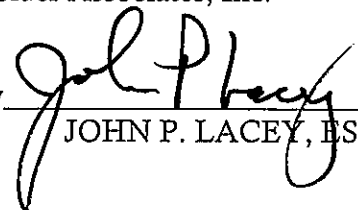
236. Defendant Golder makes no response to the allegations contained in Paragraph 236 of the Complaint as said allegations call for a legal conclusion.

PRAYER FOR RELIEF

WHEREFORE, defendant Golder Associates, Inc. demands judgment in its favor and an Order dismissing the Complaint in its entirety.

CONNELL FOLEY LLP
Attorneys for Defendant
Golder Associates, Inc.

By


JOHN P. LACEY, ESQ. (5475)

Dated: April 21, 2008

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state any claim against Golder for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims against Golder are barred because none of Golder's actions were the proximate cause of, or will cause or contribute to, any of the alleged harm or damages or incurrence of response costs alleged in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are subject to a set-off in whole or in part by virtue of Plaintiff's own status as a responsible party with respect to any site.

FIFTH AFFIRMATIVE DEFENSE

Even if Golder is found to have contributed any hazardous substance to any site, which Golder denies, any claims against Golder are barred by virtue of the *de minimus* or *de micromis* toxicity and volume of such materials, when compared to those of other parties, including Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

Golder denies that it is responsible for any response costs arising out of any site, but should it ultimately be found liable, Golder is entitled to a set-off against any such liability for: (a) any amounts which may actually be paid by Golder for any of the injuries, costs, damages and expenses alleged in the Complaint; (b) any amounts stipulated or agreed to under any settlement, or any release or covenant not to sue any person or entity for any of the injuries, costs, damages and expenses alleged in the Complaint; (c) the equitable share of liability of any person or entity that receives any release from liability or covenant not to sue or enter into any

settlement with respect to the injuries, costs, damages and expenses alleged in the Complaint; (d) the equitable share of liability or any person or entity who is responsible for any of the injuries, costs, damages and expenses alleged in the Complaint but is unable to pay its fair share due to insolvency or any other reason; and/or (e) the equitable share of liability of any person or entity who is responsible for any of the injuries, costs, damages and expenses alleged in the Complaint but is not named as a defendant in the case.

SEVENTH AFFIRMATIVE DEFENSE

Golder denies that it is responsible for any response, removal or remediation costs arising out of the subject site. However, if Golder is held liable, then its liability should be limited to its fair, equitable, proportionate share of costs, harm or damage, taking into account, *inter alia*, equitable principles, Plaintiff's lack of care and control, the percentage of total volume of hazardous substances at any site that was contributed by all persons, the hazardous substances contributed by the Plaintiff and its employees and agents, the liability of those transporters, if any, that may have hauled materials to any such Site, the removal of any materials prior to the alleged release of hazardous substances that gives rise to Plaintiff's claims, and the contribution of all other persons and entities to the alleged release or threatened release of hazardous substances.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the equitable principle of laches.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by assumption of the risk.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by contributory negligence and comparative fault.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to join all necessary and indispensable parties.

TWELFTH AFFIRMATIVE DEFENSE

Golder denies that it is responsible for any response, removal or remediation costs arising out of the Site. However, in the event that Golder is held liable, then it is not jointly and severally liable as a matter of law because Plaintiff is a responsible party.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred because any and all acts or omissions were authorized pursuant to, and in compliance with, conditions of federal, state and/or local permits, licenses, authorizations and/or rules.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff has not cleaned up or removed a discharge as provided in N.J.S.A. 58:10-23.22f(a)(2) and has not otherwise expended any costs for cleanup or removal of hazardous substances.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to minimize and mitigate damages.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred by common law estoppel or regulatory estoppel.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred by collateral estoppel or issue preclusion.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred by *res judicata*.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred by the entire controversy doctrine.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred by federal and New Jersey requirements of Due Process, including those of the Constitution of the United States of America, the Constitution of the State of New Jersey, the federal Administrative Procedure Act, and the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Golder denies that it is responsible for any response costs arising out of the Site, but should it ultimately be found liable, joint and several liability may not be imposed upon Golder because the damages and harm are distinct and divisible.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims and alleged causes of action are barred by doctrines of common law equity and fairness.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiff's and Fourth-Party Plaintiff's claims and alleged causes of action are preempted by federal law, including the Small Business Liability Relief and Brownfields Revitalization Act, Public Law No. 107-118.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

To the extent applicable to it, Golder incorporates by reference herein each and every affirmative defense asserted, or to be asserted, by any other Defendant or Third-Party Defendant.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Golder gives notice that it intends to rely upon such defenses as may be applicable as a result of discovery proceedings and reserves the right to amend its answer and defenses accordingly.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Golder reserves the right to apply to the Court for the award of counsel fees and costs pursuant to the New Jersey Frivolous Pleading Statute, N.J.S.A. 2A:15-59.1 *et seq.*

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Golder hereby gives notice that it intends to rely upon any other defense that may become available or appear during the proceedings in this case and hereby reserves its right to amend its Answer and Defenses to assert any such defense. Golder also reserves its right to assert other and related defenses as may become available in the event of a determination that the causes of action described in the Complaint or some portions thereof are governed by the substantive law of a jurisdiction other than the State of New Jersey.

PRAYER FOR RELIEF

WHEREFORE, Golder respectfully requests that the Court enter judgment in its favor as follows:

1. Complaint be dismissed with prejudice;
2. Judgment be entered in favor of Golder Associates, Inc. as to all counts;
3. Golder be awarded attorneys' fees and costs;
4. Golder be awarded such other and further relief as the Court deems appropriate.

COUNTERCLAIM FOR INDEMNIFICATION AND CONTRIBUTION

1. Golder incorporates fully herein by reference all of the foregoing paragraphs of the Answer as if fully set forth in this section.

2. Without admitting liability herein, Golder hereby claims indemnification from Plaintiff, jointly and severally.

3. Without admitting liability herein, Golder hereby claims contribution from Plaintiff, jointly and severally.

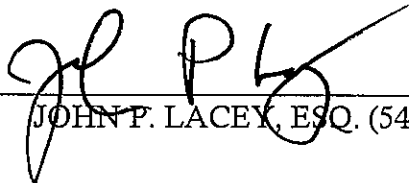
WHEREFORE, Golder seeks complete and full contribution and indemnification from Plaintiff, jointly and severally, including costs of suit and the defense of this matter.

DESIGNATION OF TRIAL COUNSEL

Defendant Golder Associates, Inc. designates John P. Lacey, Esq., and Connell Foley LLP as their trial counsel pursuant to R. 4:25-4.

CONNELL FOLEY LLP
Attorneys for Defendant
Golder Associates, Inc.

By


JOHN P. LACEY, ESQ. (5475)

Dated: April 21, 2008

CERTIFICATION PURSUANT TO L.CIV.R. 11.2

I hereby certify that the within matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administration proceeding.

I hereby certify that the foregoing statement made by me is true. I am aware that if the foregoing statement made by me is willfully false, I am subject to punishment.

CONNELL FOLEY LLP
Attorneys for Defendant
Golder Associates, Inc.

By


JOHN P. LACEY, ESQ. (5475)

Dated: April 21, 2008

CERTIFICATE OF SERVICE

I, JOHN P. LACEY, of full age, certify as follows:

1. I am an attorney at law of the State of New Jersey and a partner in the law firm of Connell Foley LLP, attorneys for defendant, Golder Associates, Inc. ("Golder"), in the within matter.

2. On April 21, 2008, I arranged for the electronic filing of Golder's Answer to the Complaint in the above-captioned action.

3. On April 21, 2008, a copy of Golder's Answer to the Complaint was served upon all counsel of record via Electronic Filing.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


JOHN P. LACEY

Dated: April 21, 2008